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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/725,826

12/02/2003

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11/24/2006

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EXAMINER

KASENGE, CHARLES R

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | | |
|---------------------------------------|--|--|
| Application No. 10/725,826 | Applicant(s) AMUNDSON ET AL. | |
| Examiner Charles R. Kasenge | Art Unit 2125 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 September 2006.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 December 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/21/06.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 9/19/06 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-33 and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith U.S. Patent Application Publication 2004/0245352. Regarding claims 1 and 40, Smith discloses a method of accessing a schedule on a controller coupled to a user interface (pg. 5, ¶57), comprising the steps of: initiating a schedule review mode within the controller, said schedule review mode permitting read-only access to at least one schedule parameter in the schedule (pg. 5, ¶57); displaying one or more schedule parameters for at least one period on the user interface (pg. 5, ¶57 and Figs. 3-4D); and exiting the schedule review mode (pg. 5, ¶57). The Office interprets “the programmed values” as read-only data (pg. 5, ¶57).

Regarding claims 2-5, 13-16, and 26-29, Smith discloses the method of claim 1, further comprising the steps of: initiating an editing mode within the controller (pg. 4, ¶47); and modifying at least one schedule parameter of the schedule (pg. 4, ¶47). Smith discloses the method of claim 2, wherein the step of initiating the schedule review mode occurs prior to the

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step of initiating the editing mode (pg. 5, ¶57). Smith discloses the method of claim 1, wherein said at least one period includes a wake period, leave period, return period, and sleep period (pg. 4 and 5, ¶47, 48 and 54). Smith discloses the method of claim 1, wherein said one or more schedule parameters is selected from the group consisting of an event time parameter, a heat set point parameter, a cool set point parameter, a fan mode parameter, and a humidity level parameter (pg. 1 and 4, ¶9, 42 and 46).

Regarding claims 6-8, 17-19, and 30-32, Smith discloses the method of claim 1, wherein the user interface comprises a touch screen (abstract), display panel and keypad (Figs. 3-4D), and a menu-driven interface (Figs. 3-4D). Regarding claims 9-12, 20-23, and 33, Smith discloses the method of claim 1, wherein said schedule is a heating, cooling (pg. 4, ¶42), or venting schedule, and the controller is a HVAC controller (pg. 2 and 4, ¶24 and 46). Regarding claims 24 and 38, Smith discloses the method of claim 13, wherein said one or more schedule parameters are unmodifiable in the schedule review mode (pg. 5, ¶57).

Regarding claims 25 and 39, Smith discloses a programmable controller for use in controlling a system, the controller comprising: a user interface (pg. 5, ¶57); and a processor configured to run a scheduling routine for modifying a schedule, the scheduling routine including a separate schedule review mode and editing mode (pg. 4 and 5, ¶47 and 57); wherein the schedule review mode is configured to permit the user to display one or more schedule parameters on the user interface without allowing the user to modify at least one of the schedule parameters without first initiating the editing mode (pg. 4 and 5, ¶47 and 57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to the claims above, and further in view of Smith et al. U.S. Patent 6,192,282. Regarding claims 34-37, Smith does not disclose a controller for a security, lighting, sprinkler or A/V system. Smith et al. discloses a controller wherein said system is a security, lighting, sprinkler, or A/V system (col. 8, lines 25-32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to implement a review mode for the Smith et al. controller. One of ordinary skill in the art would have been motivated to do this since controller Smith et al. is used for HVAC as well as the other systems (Fig. 1).

Conclusion

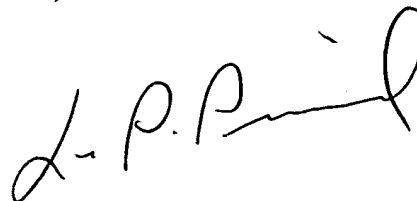
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
November 14, 2006



LEO PICARD
SUPERVISORY PATENT EXAMINER
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